

(f) “Interstate” means from one State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) “Move” means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport, or move, or allow to be moved, by mail or otherwise.

(h) “Plant Quarantine Act” means the Act of August 20, 1912 (37 Stat. 315), as from time to time amended.

(i) “Mexican Border Act” means the Act of January 31, 1942 (56 Stat. 40), as from time to time amended.

(Pub. L. 85–36, title I, §102, May 23, 1957, 71 Stat. 31.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 85–36, May 23, 1957, 71 Stat. 31, as amended, which enacted this chapter, amended sections 147a and 149 of this title, repealed sections 141 to 144 and 441 of this title, and enacted provisions set out as a note under section 147a of this title. For complete classification of this Act to the Code, see Tables.

The Plant Quarantine Act, referred to in subsecs. (b) and (h), is act Aug. 20, 1912, ch. 308, 37 Stat. 315, as amended, which is classified generally to chapter 8 (§151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 151 of this title and Tables.

The Mexican Border Act, referred to in subsec. (i), is act Jan. 31, 1942, ch. 31, 56 Stat. 40, as amended, which is classified to section 149 of this title.

#### SHORT TITLE

Section 101 of Pub. L. 85–36 provided that: “This title [enacting this chapter and provisions set out as a note under section 147a of this title, amending section 149 of this title and repealing sections 141 to 144 and 441 of this title] may be cited as the ‘Federal Plant Pest Act’.”

### § 150bb. Movement of pests prohibited

#### (a) In general

No person shall import or enter any plant pest into the United States, or move any plant pest interstate, or accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless the movement is made in accordance with such regulations as the Secretary may promulgate to prevent the dissemination into the United States, or interstate, of plant pests.

#### (b) Regulations

The regulations promulgated by the Secretary to implement subsection (a) of this section may include regulations requiring that a plant pest moving into or through the United States, or interstate—

(1) be accompanied by a permit issued by the Secretary prior to the movement of the plant pest; or

(2) be accompanied by a certificate of inspection issued, in a manner and form required by the Secretary, by appropriate officials of the country or State from which the plant pest is to be moved.

(Pub. L. 85–36, title I, §103, May 23, 1957, 71 Stat. 32; Pub. L. 97–461, §1(a), Jan. 12, 1983, 96 Stat.

2523; Pub. L. 100–449, title III, §301(f)(1), Sept. 28, 1988, 102 Stat. 1868; Pub. L. 103–465, title IV, §431(c)(1), Dec. 8, 1994, 108 Stat. 4967.)

#### AMENDMENTS

1994—Pub. L. 103–465 amended section generally, substituting present provisions for former subsecs. (a) to (c) which prohibited movement of plant pests into or through United States unless permitted by Secretary, provided for conditions for granting or refusing permits for such movement, and provided for movement of plant pests from Canada into or through United States only in accordance with such regulations as Secretary may promulgate.

1988—Subsec. (a). Pub. L. 100–449, §301(f)(1)(A), substituted “Except as provided in subsection (c) of this section, no person shall” for “No person shall”.

Subsec. (c). Pub. L. 100–449, §301(f)(1)(B), added subsec. (c).

1983—Subsec. (a). Pub. L. 97–461 struck out “knowingly” wherever appearing.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–465 effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103–465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

#### EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

Amendment by Pub. L. 100–449 effective on date United States-Canada Free-Trade Agreement enters into force (Jan. 1, 1989), and to cease to have effect on date Agreement ceases to be in force, see section 501(a), (c) of Pub. L. 100–449, set out in a note under section 2112 of Title 19, Customs Duties.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 150gg of this title; title 39 section 3015.

### § 150cc. Mailing of pests; opening of mail; exception

(a) Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is nonmailable, and shall not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, unless it is mailed in conformance with such regulations as the Secretary may promulgate to prevent the dissemination into the United States, or interstate, of plant pests.

(b) Nothing in this chapter shall authorize any person to open any letter or other sealed matter except in accordance with the postal laws and regulations.

(c) The prohibitions of this chapter shall not apply to any employee of the United States in the performance of his duties in handling mail.

(Pub. L. 85–36, title I, §104, May 23, 1957, 71 Stat. 32; Pub. L. 100–449, title III, §301(f)(2), Sept. 28, 1988, 102 Stat. 1869; Pub. L. 103–465, title IV, §431(c)(2), Dec. 8, 1994, 108 Stat. 4967.)

#### REFERENCES IN TEXT

In the original, “this chapter” was “this Act”. See note set out under section 150aa of this title.

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103–465, §431(c)(2)(A), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Except as provided in sub-